

PERSONNEL COMMISSION

Budget Summary							
Fund	2002-03 Base Year Doubled	2003-05 Governor	2003-05 Jt. Finance	2003-05 Legislature	2003-05 Act 33	Act 33 Change Over Base Year Doubled Amount	Percent
GPR	\$1,619,600	\$0	\$0	\$0	\$0	- \$1,619,600	- 100.0%
PR	<u>6,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>- 6,000</u>	- 100.0
TOTAL	\$1,625,600	\$0	\$0	\$0	\$0	- \$1,625,600	- 100.0%

FTE Position Summary						
Fund	2002-03 Base	2004-05 Governor	2004-05 Jt. Finance	2004-05 Legislature	2004-05 Act 33	Act 33 Change Over 2002-03 Base
GPR	9.00	0.00	0.00	0.00	0.00	- 9.00

Budget Change Item

1. ELIMINATE PERSONNEL COMMISSION [LFB Paper 585]

Governor/Legislature: Eliminate the Personnel Commission on the general effective date of the bill and delete \$809,800 GPR and \$3,000 PR and 9.0 GPR positions annually.

Eliminate \$3,000 GPR-REV annually associated with filing fees for certain state employee appeals.

Funding Positions		
GPR-REV	- \$6,000	
GPR	- \$1,619,600	- 9.00
PR	<u>- 6,000</u>	<u>0.00</u>
Total	- \$1,625,600	- 9.00

Abolition of the Commission. Repeal all statutory provisions creating the Commission, providing for Commissioners, setting the term and qualifications of the Commissioners and assigning the Commissioners to an executive salary group.

Transfer of Complaint Investigation Functions to the Division of Equal Rights in the Department of Workforce Development (DWD). Transfer the following complaint investigation functions of the Commission to DWD's Division of Equal Rights: (a) enforcement of various state employee "whistleblower" statutes, including those statutes protecting employees from retaliation based

on reporting patient abuse, elder abuse, public employee occupational health and safety violations, and possible abuse of authority, mismanagement and waste of public funds by certain state agency personnel; (b) processing of state agency employment discrimination allegations; (c) processing of state agency unfair honesty testing allegations; (d) processing of state agency unfair genetic testing allegations; (e) processing of state agency fair employment act retaliation allegations; (f) processing of state employee family and medical leave violation allegations; and (g) processing of state employee reemployment and benefit eligibility rights violation allegations for returning National Guard, state defense force or public health emergency service personnel.

Under current law, DWD's Division of Equal Rights is charged with enforcing statutes related to nonstate employee complaints: (a) under "whistleblower" statutes related to aging and long-term care issues, care and treatment facilities issues, caregivers reporting elder abuse, public employee occupational health and safety, and state health care worker reporting; (b) regarding employment discrimination; (c) regarding unfair honesty testing; (d) regarding unfair genetic testing; (e) regarding fair employment act retaliation; (f) regarding family and medical leave issues; and (g) regarding reemployment and benefit eligibility rights violations for returning National Guard, state defense force or public health emergency service personnel.

Transfer of State Employee Appeal Functions to the Wisconsin Employment Relations Commission (WERC). Transfer the following employee appeal functions of the Commission to WERC: (a) appeals of state employee classification and appointment decisions and examination scores; (b) final step arbitrations of state employee grievances relating to conditions of employment; (c) appeals of denial of state employee hazardous duty benefits; and (d) appeals of certain decisions under county merit system rules relating to the income maintenance program personnel.

Under current law, WERC is charged with: (a) conducting representation elections and other referendums for private, municipal or state employees and employers; (b) clarifying bargaining units for private, municipal or state employees and employers; (c) enforcing proper bargaining conduct; (d) issuing declaratory rulings on such matters as whether an issue is a mandatory, permissive or prohibited subject of bargaining for private, municipal or state employees and employers; (e) resolving various labor disputes, primarily for private or municipal employees and employers; and (f) investigating bargaining impasses and appointing arbitrators, primarily for municipal employees and employers.

Transition Provisions. Specify that on the effective date of the bill, the assets and liabilities, tangible personal property, and contracts of the Personnel Commission, as determined by the Secretary of DOA, would be transferred as follows: (a) DWD's Division of Equal Rights would receive those items related to "whistleblower" statutes, employment discrimination, state agency unfair honesty testing, state agency unfair genetic testing, state agency fair employment act retaliation, state employee family and medical leave issues, and state employee reemployment and benefit eligibility rights violations for returning National Guard, state defense force or public health emergency service personnel; and (b) WERC would receive items related to appeals of state employee classification and appointment decisions and examination

scores, final step arbitrations of grievances relating to conditions of employment, denial of hazardous duty benefits, and certain decisions under county merit system rules relating to the income maintenance program personnel. Specify that the pending matters, and rules and orders of the Personnel Commission on the effective date of the bill for the above matters would become the pending matters, and rules and orders of WERC or DWD, as appropriate.

No funding or position authority would be provided to DWD or WERC under this provision.

[Act 33 Sections: 77, 138, 144 thru 146, 442, 443, 647, 727, 745 thru 749, 1176 thru 1178, 1473 thru 1475, 1835 thru 1837, 1855, 1962, 1963, 2064 thru 2066, 2367, 2373, 2376, 2385, 2387, 2388, 2389, 2391, 2418, 2419, 2421, 2422, 2423 thru 2427, 2428 thru 2440, and 9139(1)]